



HOUSE OF REPRESENTATIVES

SB 1293

mediation; confidential communications; exception

Prime Sponsor: Senator Driggs, LD 28

DPA Committee on Judiciary

X Caucus and COW

House Engrossed

OVERVIEW

SB 1293 permits court-appointed mediators to disclose specific information if they reasonably believe that a minor or vulnerable adult is the victim of abuse, physical injury, neglect or a reportable offense.

PROVISIONS

1. Allows mediators to disclose specific information if they believe a child or vulnerable adult (as defined in [A.R.S. § 13-3623](#)) is a victim of the following:
 - a. Abuse (as defined in [A.R.S. § 8-201](#));
 - b. Child abuse (as defined in [A.R.S. § 13-3623](#));
 - c. Neglect (as defined in [A.R.S. § 8-201](#));
 - d. Physical injury (as defined in [A.R.S. § 13-105](#));
 - e. A reportable offense (as defined in [A.R.S. § 13-3620](#)).
2. Stipulates that the information a mediator discloses must be made in a report to any of the following:
 - a. A law enforcement officer;
 - b. The Department of Child Safety;
 - c. Adult Protective Services.
3. Defines terms using existing statutory references.
4. Makes conforming changes.

JUDICIARY COMMITTEE AMENDMENT

1. Includes exploitation in the list of offenses that may be disclosed by mediators.
2. Defines *exploitation* using existing statutory references.
3. Makes technical changes.

CURRENT LAW

[A.R.S. § 12-2238](#) outlines limitations of privileged communications made or used in mediation. Communications made during mediation proceedings are confidential unless any of the following exceptions are met:

- All of the parties to the mediation agree to the disclosure;
- The communication, material or act is relevant to a claim or defense made by a party to the mediation against the mediator or the mediation program arising out of a breach or a legal obligation owed by the mediator to the party;
- The disclosure is required by statute;

SB 1293

- The disclosure is necessary to enforce an agreement to mediate.